

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

KATHERINE ZEBROSKI :
 :
 : Civil Action
v. :
 : No. 09-1857
 :
JOHANNA GOUAK, *et al.* : JURY TRIAL DEMANDED

**SECOND SUPPLEMENTAL DECLARATION OF ELLIOT B. PLATT IN SUPPORT OF
PLAINTIFF'S MOTION FOR ALLOWANCE OF ATTORNEY'S FEES AND COSTS**

1. I am counsel to Katherine Zebroski, Plaintiff in this case.
2. This Declaration is in support of the Motion for Allowance of Attorney's Fees and Costs (the Motion) that I filed on behalf of Ms. Zebroski on April 11, 2011.
3. Upon review of the time records appended to the Motion, it became apparent that the following time entries should not have been included. All but the first two in this list relate to time expended on unsuccessful claims:

a. 12/7/09 (Duplicate Entry)	3.8
b. 12/8/09 (Duplicate Entry)	1.0
c. 8/13/09	.3
d. 8/21/09	.3
e. 2/12/10	.3
f. 2/15/10	.4
g. 2/17/10	.7
h. 2/22/10	.2
i. 2/22/10	1.3
j. 2/23/10	1.2
k. 6/6/10	1.2
l. 6/11/10	.1
m. 6/18/10	.3
n. 7/7/10	1.5
o. 7/8/10	.6
p. 7/13/10	.3

q. 2/3/11

.2

4. The total hours listed in Paragraph 3 is 13.7.

5. The calculations in Paragraph 17 of Exhibit A to Plaintiff's Motion for Allowance of Attorney's Fees and Costs and in the Motion should be corrected as set out in this Declaration.

6. The total hours expended, without including time clearly spent on unsuccessful claims and without including time expended on the Motion for Allowance of Attorney's Fees and Costs is 156.4.

7. Reducing the 156.4 hours by 20% to account for partial success, the hours claimed separate from the time expended to prepare the Motion for Allowance of Attorney's Fees and Costs total 125.12. At \$400 per hour, the fee award sought, exclusive of fee for the Motion for Allowance of Attorney's Fees and Costs is \$50,048.00. As the Motion sets out, 6.5 hours were expended on the Motion. At \$400 per hour, the fee for preparing the Motion is \$2,600.00.

8. The fee requested is \$50,048.00 plus \$2,600.00, totaling \$52,648.00.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 28, 2011

s/ Elliot B. Platt
ELLIOT B. PLATT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed electronically and is available for viewing and downloading from the ECF system.

Date: May 9, 2011

s/ Elliot B. Platt
ELLIOT B. PLATT
Attorney for Plaintiff